IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23712 of 2004

Between:

Y. Chandhra Mouli Reddy, S/o Y. Yerikala Reddy,
Proddutur, Kadapa District.

..... PETITIONER

AND

1 The Managing Director, A.P. Generation Corporation Ltd,
Vidyuth Soudha, Somajiguda, Hyderabad.
2 The Chief Engineer (O&M), R.T.P.P., V.V. Reddy Nagar, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in not engaging the petitioner on contract Basis/Regular basis as MNO in existing vacancy in project hospital, or occupational Health Centre in power House Area, by giving preferential treatment, pertaining to Rayalaseema Thermal Power Project 'contract labour' as arbitrary, illegal and violative of Article 14, 16 and 21 of the constitution of India and consequently direct the respondents to engage the petitioner, forthwith, as MNO or against other suitable post on 'Contract Basis' or regular basis, in project Hospital R.T.P.P. II stage on preferential basis by considering his representations dated 9-5-2003 and 15-10-2004.

Counsel for the Petitioner: MR.ANDE RAVI KUMAR

Counsel for the Respondents : SMT.K.SESHARAJYAM, Standing Counsel for A.P. GENCO.

The Court made the following :

ORAL ORDER:

The petitioner has filed this writ petition seeking a Mandamus to declare the action of the respondents in not engaging him as Male Nursing Orderly (M.N.O.) on contract basis in the Project Hospital or Occupational Health Centre in Power House Area as arbitrary and illegal.

The learned counsel for the petitioner has contended that for sometime, the petitioner worked as M.N.O. in the other sections of the respondent-corporation and therefore, his case has to be considered in accordance with the rules and regulations.

On the other hand, the learned counsel for the respondents has contended that M.N.O. post is a regular vacancy and unless selection process is made, the respondents cannot have any right to appoint the petitioner on contract basis.

It is not in dispute that the petitioner worked in other sections of the respondent-corporation for sometime. Though it will not confer any right on him to seek appointment on contract basis for the post of M.N.O, he seems to have made representations on 9.5.2003 and 15.10.2004 and the same shall have to be considered by the respondents in accordance with the rules governing the appointment of M.N.Os.

Therefore, without entering into the merits of the case, I deem it appropriate to direct the 2nd respondent to consider the case of the petitioner in accordance with the rules and regulations of the Corporation within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

21st December, 2004.

To

1 The Managing Director, A.P. Generation Corporation Ltd,
Vidyuth Soudha, Somajiguda, Hyderabad.
2 The Chief Engineer (O&M), R.T.P.P., V.V. Reddy Nagar, Cuddapah District.

Note: Furnish copy in three days.

(b/o)

bcj